

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Newell Rubbermaid, Inc.)	
)	
Plaintiff,)	Civil Action No. 1-cv-15-00597-RJJ
)	
v.)	
)	
Kirsch Lofts, LLC,)	
)	
Defendant.)	

DECLARATION OF J. MICHAEL SHOWALTER

I, **J. Michael Showalter**, declare that the following is true:

1. I am a partner at the firm of Schiff Hardin LLP, counsel of record in this action for the plaintiff/counter-defendant Newell Brands, Inc. (“Newell”), and am admitted to practice before this Court. I make this declaration of my own personal knowledge and, if called to do so, could testify competently to the facts stated therein under oath.

2. I submit this declaration in support of Newell’s Motion For Summary Judgement On Defendant’s Counterclaim.

3. Attached hereto as Exhibit A is a true and correct copy of relevant excerpts from the April 13, 2016 deposition transcript of Scott Bosgraaf.

4. Attached hereto as Exhibit B is a true and correct copy of relevant excerpts from the June 9, 2016 deposition transcript of Scott Bosgraaf.

5. Attached hereto as Exhibit C is a true and correct copy of relevant excerpts from the June 17, 2016 deposition transcript of Mark Westra.

6. Attached hereto as Exhibit D is a true and correct copy of the Expert Report of Scott Hayter.

7. Attached hereto as Exhibit E is a true and correct copy of relevant excerpts from the Baseline Environmental Assessment prepared for Kirsch Lofts, LLC by Rose & Westra, Inc.

8. Attached hereto as Exhibit F is a true and correct copy of relevant excerpts from the June 3, 2016 deposition of David Meiri.

9. Attached hereto as Exhibit G is a true and correct copy of relevant excerpts from the June 9, 2016 deposition of David Meiri.

10. Attached hereto as Exhibit H is a true and correct copy of an April 14, 2011 letter from Michigan Department of Environmental Quality (“MDEQ”) to Louis Meschede (Newell).

11. Attached hereto as Exhibit I is a true and correct copy of the August 22, 2012 URS Revised Plan For Additional Response Activities at Sturgis Municipal Well Field Superfund Site, Sturgis, Michigan.

12. Attached hereto as Exhibit J is a true and correct copy of a May 8, 2013 letter from the MDEQ to Kristin Jones (Newell).

13. Attached hereto as Exhibit K is a true and correct copy of the November 9, 2015 Final Leach Testing Report for Sturgis Municipal Well Field Superfund Site, Sturgis, Michigan.

14. Attached hereto as Exhibit L is a true and correct copy of the Expert Report of Jeffrey Genzink.

15. Attached hereto as Exhibit M is a true and correct copy of the Kirsch Lofts, LLC’s Brownfield Redevelopment MBT Credit Application.

16. Attached hereto as Exhibit N is a true and correct copy of Kirsch’s

Supplemental Fed. R. Civ. P. 26(a)(1) Disclosures.

17. Attached hereto as Exhibit O is a true and correct copy of Kirsch's Second Supplemental Fed. R. Civ. P. 26(a)(1) Disclosures.

18. Attached hereto as Exhibit P is a true and correct copy of Kirsch's Third Supplemental Fed. R. Civ. P. 26(a)(1) Disclosures.

19. Attached hereto as Exhibit Q is a true and correct copy of the Expert Report of Richard A. Barr.

20. Attached hereto as Exhibit R is a true and correct copy of the Supplemental Expert Report of Richard A. Barr.

21. Attached hereto as Exhibit S is a true and correct copy of the Defendant's Expert Report dated April 11, 2016.

22. Attached hereto as Exhibit T is a true and correct copy of Defendant's Expert Report dated June 12, 2016.

23. Attached hereto as Exhibit U is a true and correct copy of relevant excerpts from the deposition of Arthur Siegal.

I declare under the penalty of perjury of the laws of the United States of America that the foregoing is true and correct and that this declaration was executed on July 1, 2016 in Chicago, Illinois.

By: /s/J. Michael Showalter
J. Michael Showalter
Attorney for Plaintiff Newell Rubbermaid Inc.
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